

**U.S. District Court
Middle District of Florida (Orlando)
CIVIL DOCKET FOR CASE #: 6:12-cv-01469-ACC-TBS**

Nemo Studios, GmbH et al v. Busch Gardens Williamsburg et al
Assigned to: Chief Judge Anne C. Conway
Referred to: Magistrate Judge Thomas B. Smith
Cause: 17:101 Copyright Infringement

Date Filed: 09/26/2012
Date Terminated: 04/16/2013
Jury Demand: Plaintiff
Nature of Suit: 820 Copyright
Jurisdiction: Federal Question

Plaintiff

Nemo Studios, GmbH
a German corporation

represented by **Clay M. Townsend**
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Plaintiff

Petersongs Musikverlag KG
a German corporation

represented by **Clay M. Townsend**
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Plaintiff

Frank Peterson

represented by **Clay M. Townsend**
(See above for address)
LEAD ATTORNEY

Tucker H. Byrd
(See above for address)
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V.

Defendant

Busch Gardens Williamsburg
*a division of SeaWorld Parks & Entertainment,
LLC*
formerly known as
Busch Gardens Europe

represented by **Christopher T. Hill**
Hill &Rugh, Keller &Main, PL
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Defendant

SeaWorld Parks &Entertainment, LLC
a Delaware limited liability company
formerly known as
Busch Entertainment Corporation, a Delaware corporation

represented by **Christopher T. Hill**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John D. Martin
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Richard A. Keller
(See above for address)
LEAD ATTORNEY
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Steven R. S. Main
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

SeaWorld Parks &Entertainment, Inc.
a Delaware corporation

represented by **Christopher T. Hill**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John D. Martin
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Richard A. Keller
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Steven R. S. Main
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Does 1–10

represented by **Christopher T. Hill**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Richard A. Keller
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Steven R. S. Main
(See above for address)

Date Filed	#	Docket Text
09/26/2012	I 1	COMPLAINT against All Defendants for Copyright Infringement, Contributory Copyright Infringement, Vicarious Copyright Infringement and False Advertising in Violation of the Lanham Act with Jury Demand (Filing fee \$350 – receipt number ORL019942) filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibits A–D, # <u>2</u> Civil Cover Sheet)(RDO) (Entered: 09/27/2012)
09/27/2012	I 2	Summons issued as to Busch Gardens Williamsburg, SeaWorld Parks &Entertainment, Inc. and SeaWorld Parks &Entertainment, LLC. (RDO) (Entered: 09/27/2012)
09/27/2012	I 3	Copyright Report sent to Washington. (Attachments: # <u>1</u> Complaint, # <u>2</u> Exhibits A–D) (RDO) (Entered: 09/27/2012)
10/03/2012	I 4	RELATED CASE ORDER, NOTICE OF DESIGNATION under Local Rule 3.05 – Track 2, INTERESTED PERSONS ORDER and ORDER Requiring Electronic Filing. Notice of pendency of other actions due by 10/17/2012. Certificate of interested persons and corporate disclosure statement due by 10/17/2012. Signed by Chief Judge Anne C. Conway on 10/3/2012. (SR)(ctp) (SR). (Entered: 10/03/2012)
10/17/2012	I 5	NOTICE of pendency of related cases re <u>4</u> Related case/Interested persons/ECF–2 per Local Rule 1.04(d) by Nemo Studios, GmbH, Frank Peterson, Petersongs Musikverlag KG. Related case(s): no (Townsend, Clay) (Entered: 10/17/2012)
10/17/2012	I 6	CERTIFICATE of interested persons and corporate disclosure statement re <u>4</u> Related case/Interested persons/ECF–2, <u>5</u> Notice of pendency of related cases by Nemo Studios, GmbH, Frank Peterson, Petersongs Musikverlag KG. (Townsend, Clay) (Entered: 10/17/2012)
10/17/2012	I 7	STRICKEN PER <u>8</u> Order:(UNILATERALLY FILED) CONSENT to trial by U.S. Magistrate Judge by Nemo Studios, GmbH, Frank Peterson, Petersongs Musikverlag KG. (Townsend, Clay) *Modified text on 10/18/2012 (MAA). Modified on 10/19/2012 (AA). (Entered: 10/17/2012)
10/18/2012	I 8	ORDER striking Notice of Consent <u>7</u> . Signed by Magistrate Judge Thomas B. Smith on 10/18/2012. (KHH) (Entered: 10/18/2012)
01/09/2013	I 9	RETURN of service unexecuted by Nemo Studios, GmbH as to Busch Gardens Williamsburg. (Townsend, Clay) (Entered: 01/09/2013)
01/09/2013	I 10	Alias Summons issued as to SeaWorld Parks &Entertainment, LLC. (RDO) (Entered: 01/09/2013)
01/16/2013	I 11	RETURN of service executed on January 9, 2013 by Nemo Studios, GmbH as to SeaWorld Parks &Entertainment, Inc., SeaWorld Parks &Entertainment, LLC. (Attachments: # <u>1</u> Exhibit A)(Townsend, Clay) (Entered: 01/16/2013)
01/30/2013	I 12	Joint MOTION for Extension of Time to File Answer re <u>1</u> Complaint by Busch Gardens Williamsburg, Does 1–10, SeaWorld Parks &Entertainment, Inc., SeaWorld Parks &Entertainment, LLC. (Hill, Christopher) Motions referred to Magistrate Judge Thomas B. Smith. (Entered: 01/30/2013)
01/31/2013	I 13	RELATED CASE ORDER,INTERESTED PERSONS ORDER and ORDER Requiring Electronic Filing directed to DEFENDANTS. Notice of pendency of other actions due by 2/14/2013. Certificate of interested persons and corporate disclosure statement due by 2/14/2013. Signed by Chief Judge Anne C. Conway on 1/31/2013. (SR)(ctp) (SR). (Entered: 01/31/2013)
01/31/2013	I 14	

ORDER granting 12 Motion for Extension of Time to Answer or respond. Signed by Magistrate Judge Thomas B. Smith on 1/31/2013. (KHH) (Entered: 01/31/2013)

		Reset deadlines as to Responses due by 3/31/2013 (AA) (Entered: 02/01/2013)
02/01/2013	<u>15</u>	NOTICE by Nemo Studios, GmbH, Frank Peterson, Petersongs Musikverlag KG re <u>10</u> Summons issued to Busch Gardens Williamsburg (WRONG CODE USED, CALLED ATTORNEY TO REFILE) (Attachments: # <u>1</u> Exhibit A – Affidavit of Service and Summons)(Townsend, Clay) Modified on 2/20/2013 (AA). (Entered: 02/19/2013)
02/21/2013	<u>16</u>	RETURN of service executed on January 25, 2013 by Nemo Studios, GmbH as to Busch Gardens Williamsburg. (Attachments: # <u>1</u> Exhibit A – Return of Service Executed)(Townsend, Clay) (Entered: 02/21/2013)
02/22/2013	<u>17</u>	ORDER directing Defendants' compliance to <u>13</u> Related Case Order and Interested Persons Order by 3/4/2013. Signed by Chief Judge Anne C. Conway on 2/21/2013. (SR)(ctp) (Entered: 02/22/2013)
02/22/2013	<u>18</u>	RESPONSE re <u>17</u> Order directing compliance filed by SeaWorld Parks &Entertainment, LLC. (Hill, Christopher) (Entered: 02/22/2013)
02/22/2013	<u>19</u>	CERTIFICATE of interested persons and corporate disclosure statement re <u>13</u> Related case/interested persons/ECF, <u>17</u> Order directing compliance, <u>4</u> Related case/interested persons/ECF–2 by SeaWorld Parks &Entertainment, LLC identifying Corporate Parent SeaWorld Parks &Entertainment, LLC for SeaWorld Parks &Entertainment, LLC.. (Hill, Christopher) (Entered: 02/22/2013)
02/22/2013	<u>20</u>	NOTICE of pendency of related cases re <u>13</u> Related case/interested persons/ECF, <u>17</u> Order directing compliance, <u>4</u> Related case/interested persons/ECF–2 per Local Rule 1.04(d) by SeaWorld Parks &Entertainment, LLC. Related case(s): no (Hill, Christopher) (Entered: 02/22/2013)
03/29/2013	<u>21</u>	ANSWER and affirmative defenses to <u>1</u> Complaint by Busch Gardens Williamsburg, SeaWorld Parks &Entertainment, Inc., SeaWorld Parks &Entertainment, LLC.(Hill, Christopher) (Entered: 03/29/2013)
03/29/2013	<u>22</u>	MOTION to transfer case to <i>US District Court for the Eastern District of Virginia</i> by Busch Gardens Williamsburg, SeaWorld Parks &Entertainment, Inc., SeaWorld Parks &Entertainment, LLC. (Attachments: # <u>1</u> Exhibit A – Affidavit of Scott Gasparich)(Hill, Christopher) (Entered: 03/29/2013)
04/05/2013	<u>23</u>	ORDER: The Plaintiff is directed to show cause by a written response filed within fourteen days why this case should not be dismissed pursuant to Local Rule 3.10 for lack of prosecution due to the non-filing of a Case Management Report within the time prescribed by Local Rule 3.05 and shall file the Case Management Report Signed by Chief Judge Anne C. Conway on 4/5/2013. (SR) (Entered: 04/05/2013)
04/09/2013	<u>24</u>	CASE MANAGEMENT REPORT. (Townsend, Clay) (Entered: 04/09/2013)
04/10/2013	<u>25</u>	CASE MANAGEMENT AND SCHEDULING ORDER: Amended Pleadings due by 6/7/2013, Joinder of Parties due by 6/7/2013, Discovery due by 3/4/2014, Dispositive motions due by 4/28/2014, Pretrial statement due by 7/21/2014, All other motions due by 5/28/2014, Plaintiff disclosure of expert report due by 1/10/2014, Defendant disclosure of expert report due by 2/7/2014, Jury Trial set for 9/2/2014 at 09:00 AM in Orlando Courtroom 6 A before Chief Judge Anne C. Conway. Conduct mediation hearing by 3/18/2014. Lead counsel to coordinate dates. Signed by Chief Judge Anne C. Conway on 4/10/2013. (SR) (Entered: 04/10/2013)
04/10/2013	<u>26</u>	CASE REFERRED to Mediation. (SR) (Entered: 04/10/2013)

04/12/2013	[27]	STIPULATION re <u>22</u> MOTION to transfer case to US District Court for the Eastern District of Virginia Venue by Busch Gardens Williamsburg, SeaWorld Parks & Entertainment, Inc., SeaWorld Parks & Entertainment, LLC. (Hill, Christopher) (Entered: 04/12/2013)
04/16/2013	[28]	ORDER re <u>22</u> Motion to transfer case and <u>27</u> Stipulation. This case is hereby TRANSFERRED to the United States District Court for the Eastern District of Virginia, Newport News Division. The Clerk is directed to terminate the Motion to Transfer Venue to the United States District Court for the Eastern District of Virginia (Doc. No. 22) as moot. The Order to Show Cause (Doc. No. 23) is discharged. The Clerk is directed to CLOSE the file. Signed by Chief Judge Anne C. Conway on 4/16/2013. (SR) (Entered: 04/16/2013)